

REMARKS

I. Introduction

Claims 6 to 10 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicants note with appreciation the acknowledgment of the claim for foreign priority and the indication that all certified copies of the priority documents have been received.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement, PTO-1449 paper and cited references.

II. Rejection of Claims 6 to 10 Under 35 U.S.C. § 103(a)

Claims 6 to 10 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 6,078,024 and U.S. Patent No. 6,541,737. It is respectfully submitted that the combination of U.S. Patent No. 6,078,024 and U.S. Patent No. 6,541,737 does not render unpatentable the present claims for at least the following reasons.

The present application is the national stage of PCT International Patent Application No. PCT/EP03/13217 having an international filing date of **November 25, 2003**, and the present application claims priority to German Application No. 103 00 570.6, filed on **January 10, 2003**. A claim of priority to German Application No. 103 00 570.6 was made, *inter alia*, in the "Declaration" submitted on March 13, 2006. The Office Action acknowledged that the Office has received a certified copy of German Application No. 103 00 570.6. A certified English-language translation of German Application No. 103 00 570.6 is submitted herewith.

U.S. Patent No. 6,541,737 issued on **April 1, 2003**, which is ***after*** the **January 10, 2003** filing date of German Application No. 103 00 570.6, to which the present application claims priority. As such, the U.S. Patent No. 6,541,737 constitutes prior art against the present application, if at all, only under one or more of subsections (e), (f), and (g) of 35 U.S.C. § 102.

The present application and U.S. Patent No. 6,541,737 "were, at the time the invention [of the present application] was made, owned by . . . or subject to

an obligation of assignment to" DaimlerChrysler AG. In this regard, by an assignment recorded in the records of the United States Patent and Trademark Office on March 13, 2006, at Reel 017334, Frame 0888, the entire right, title and interest in and to the present application was assigned to DaimlerChrysler AG. U.S. Patent No. 6,541,737 is assigned on its face to DaimlerChrysler AG. It is therefore respectfully submitted that, under 35 U.S.C. § 103(c), U.S. Patent No. 6,541,737 cannot be used to reject any claim of the present application under 35 U.S.C. § 103(a).

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

III. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Date:

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